

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KIMIESHA HILL, et al.)
)
 Plaintiffs,)
)
 v.) Case No. CIV-21-97-SLP
)
 1. TOWN OF VALLEY BROOK, et al.,)
)
 Defendants.)

**REPLY TO DEFENDANT JUDGE STEPHEN HAYNES' RESPONSE TO
MOTION TO WITHDRAW AS ATTORNEYS OF RECORD**

Defendants, Town of Valley Brook, Lewis Nieman, in his official capacity, Stephen Haynes, in his official capacity, and Michael Stamp, in his official capacity, (collectively, the “Town”), hereby reply to the response of Defendant Judge Stephen Haynes (Dkt. No. 99)¹ and in support of the Motion to Withdraw as Attorneys of Record (Dkt. No. 98) (the “Motion”). Judge Stephen Haynes, in his individual capacity, does not object to the withdrawal of the undersigned as counsel for him in his individual capacity. (Dkt. No. 99 at 3, ¶ 9). The Motion should be granted.

1. To be clear, the Motion is limited in its scope. Counsel is seeking to withdraw from this matter as counsel of record for Judge Stephen Haynes, in his individual capacity only.

¹ Judge Stephen Haynes filed a combined Response (Dkt. No. 99) to the Town’s Motion to Strike and Clawback Certain Exhibits (Dkt. No. 97) and the Motion to Withdraw (Dkt. No. 98).

2. The Court previously determined that Defendant Stephen Haynes' judicial immunity has not been abrogated. Dkt. No. 29 at 14. The only claims remaining in this matter are those against Defendant Stephen Haynes in his official capacity.

3. It is undisputed that an official capacity suit "is the same as asserting a claim against the municipality or county the official represents and is considered under the standards applicable to 42 U.S.C. § 1983 claims against municipalities or counties." *Burke v. Glanz*, 292 F. Supp. 3d 1235, 1249 (N.D. Okla. 2017), citing *Porro v. Barnes*, 624 F.3d 1322, 1328 (10th Cir. 2010); see also *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) ("[A]n official-capacity suit is, in all respects other than name, to be treated as a suit against the entity.").

4. The Motion seeks to clarify that the undersigned counsel represent the Town and the official capacity claims.

Wherefore it is requested that counsel be permitted to withdraw as counsel for Defendant Stephen Haynes in his individual capacity only.

Respectfully submitted,

s/ Courtney D. Powell

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CERTIFICATE OF SERVICE

This certifies that on the 22nd day of June, 2023, I electronically filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

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A copy of the attached document was e-mailed to Stephen R. Haynes at judgehaynes@gmail.com.

s/ Courtney D. Powell